IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION
WRIT PETITION NO.5617 OF 2006

Skating Association of Maharashtra & Anr....Petitioners.
V/s.
State of Maharashtra & Ors. ...Respondents.

Mr.P.K.Samdhani counsel with Mr.Purohit i/b
M/s.Prakash & Co. for the Petitioners. for the
Mrs.M.P.Thakur, A.G.P. for Respondent Nos.1 to 3.
Mr.A.B.Avhad for Respondent No.4.
Mr.Nitin Jamdar for Respondent No.5.

CORAM: B.H.MARLAPALLE &
J.H.BHATIA, JJ.
DATE : 20th December, 2006.

P.C.:

1. Heard the learned counsel for the respective parties. Rule. Respondents waive service. The petition is taken up for final hearing forthwith.

2. Writ Petition No.2000 of 2004 alongwith Civil Application No.1308 of 2005 filed therein came to be decided by this Court on 22-7-2005. The said petition was filed by present respondent no.4 and the present petitioner was impleaded as respondent no.3 whereas present respondent no.5 was impleaded as respondent no.4. This Court had directed present respondent no.3 to decide as to which one of the two bodies (the present petitioner and respondent no.5) be recognised as representative body at the State level so as to represent sport of the Roller Sketting. Respondent no.3

accordingly, has passed the impugned order on 18-7-2006 and held that the petitioner shall not be eligible for recognition and on the other hand, Pune District and Pimpri-Chinchwad Roller Sketting Association was given recognition thereby making it eligible for the Government grants. The Corrigendum was issued on 18-7-2006 and the earlier order came to be amended stating that the Maharashtra State Roller Sketting Association (Present Respondent No.5) is recognised as the only State level association to take care of the Roller Sketting Sport in the State of Maharashtra and consequently, the said association shall be eligible for all Government grants and the District Court officers and the Deputy Directors gave necessary co-operation in conducting all the competitions and games organised under the aegis of the said association.

3. This corrigendum came to be issued on an application moved by one Mrs.Vaidya who claimed to be the President of Pune District and Pimpri-Chinchwad Roller Sketting Association (present respondent no.4).

4. The learned counsel for the petitioner at the threshold rightly pointed out that the impugned orders passed on 18-7-2006 by respondent no.3 were without notice and obviously, without hearing the respondent

no.5 and thus, contrary to the directions given by this Court by the earlier order dated 22-7-2005 passed in Writ Petition No.2000 of 2004. It was necessary for respondent no.3 to hear the petitioner and respondent no.5 and decide the issue of granting recognition to either of them. Respondent no.3 acted contrary to the order passed by this Court on 22-7-2005 and at the first instance, granted recognition to the present respondent no.4 which is only a district level association. It is claimed that one Mrs.Vaidya moved an application on the very same date, i.e., 18-7-2006 and the earlier order came to be amended so as to grant recognition to respondent no.5 which is the State level body. This approach of respondent no.3 is not only a casual but infact, in defiance to the order of this Court passed in Writ Petition No.2000 of 2004. Respondent No.3 in a way rivalled the order dated 22-7-2005 in Writ Petition No.2000 of 2004.

5. The record indicates that it was respondent no.5 itself which had passed a resolution on 20-2-2000 and decided that all its affiliated district level associations would affiliate themselves with the present petitioner and the petitioner came to be granted a recognition for the year 2002-03 which is clear from the certificate dated 4-4-2003 which is at Exhibit-’E’ to

the petition memo. Under these circumstances, it was necessary for respondent no.3 to set out reasons for entertaining claim of respondent no.5 for restoration of status-quo and to modify on this conclusion. The views of the district bodies and more particularly, the majority view must find place in the impugned order. We are afraid that this is not the case in the orders impugned before us.

6. It will be therefore, necessary for respondent no.3 to issue a fresh notice to the petitioner, respondent no.5 as well as all the district level recognized Roller Skating Associations at the State level and all of them will have to be heard so as to decide which one of the two associations (Petitioner and Respondent No.5) should be granted recognition in keeping with the guide-lines published in the Government Notification dated 31st July, 1997. Though Roller Skating may not be one of the major sports in Maharashtra, the fact remains that the State Government has issued guide-lines for granting recognition to a State level body so as to look after the said sport activities and those guide-lines must be followed. In addition, views of all the recognised district level associations in Roller Skating must also be considered and majority views of these associations will always

prevail.

7. We, therefore, allow this petition partly, quash and set aside the orders passed on 18-7-2006 by respondent no.3 and remand enquiry as was directed by this Court in Writ Petition No.2000 of 2004 for de nova hearing and order to respondent no.3. The said respondent shall issue notice to the petitioner, respondent no.5 as well as all the recognised district level affiliated associations and on hearing them, respondent no.3 shall decide afresh issue of recognition to be granted either to the petitioner or respondent no.5 as per the guide-lines set out in the Government Notification dated 31-7-1997. If necessary, respondent no.3 may seek the opinion of the each district level association in writing indicating the preference to one of two bodies, i.e., petitioner and respondent no.5. On remand, the enquiry shall be completed as expeditiously as possible and the final order be passed in any case before 31st March, 2007.

8. In the meanwhile, none of the two bodies, namely, petitioner and respondent no.5 shall take any policy decisions relating to the Roller Skating Sports activities.

9. Writ to go to respondent no.3 forthwith.

(J.H.BHATIA,J.) **(B.H.MARLAPALLE,J.)**